

Regular Meeting
Monday, August 03, 2015
Bloomington Civic Plaza
1800 West Old Shakopee Road
Bloomington, Minnesota 55431-3027

- 1 **CALL TO ORDER- 7 PM** Mayor Winstead called the meeting to order at 7:00 p.m.

Present: Councilmembers C. Abrams, J. Baloga, T. Busse, A. Carlson,
D. Lowman, and J. Oleson.

- 2 **INTRODUCTORY**

- 2.1 **FLAG PRESENTATION** Mayor Winstead led the audience in the pledge of allegiance to the flag.

- 2.2 **National Night Out Proclamation** Requested Action: Read and present a proclamation declaring August 4, 2015, as National Night Out to event coordinator Officer Heidi Miller.

Officer Miller reported there are 325-328 registered parties. In addition to the Bloomington Police officers, she said the Bloomington Fire Department and Allina Ambulance Services will be attending parties. They hope to have one representative from Police, Fire or Allina visit every registered party.

- 3 **CONSENT BUSINESS**

- 3.1 **2016 Richfield Environmental Health Inspection Services Contract** Requested Action: Approve the proposed 2016 Environmental Health Inspection Services Contract with the City of Richfield.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to approve a contract with the City of Richfield as described in the agenda item.

- 3.2 **Award Contract for the 2015-925 Nine Mile Creek Lower Valley Bank Stabilization** Requested Action: Award a contract for the 2015-925 Nine Mile Creek Lower Valley Bank Stabilization project to Wetland Habitat Restoration, LLC in the amount of \$171,725.00 and approve various contract changes up to 20% of the original contract amount (\$34,345.00) for a total project authorization of \$206,070.00.

This item was held by Lowman who questioned why it's taken so long to make these repairs when the storm occurred in June 2014.

Public Works Director Karl Keel explained it takes some time to prepare plans, specs and conduct the bidding process. He reported the City received approximately 50% of the funding for these repairs through FEMA, which also takes time to process. He said the project couldn't be let until all approvals from FEMA were received by the City.

Motion was made by Lowman, seconded by Baloga, and all voting aye, to award a contract to Wetland Habitat Restoration, LLC for the 2015-925 Nine Mile Creek Lower Valley Bank Stabilization as described in the agenda item.

**3.3 Adopt Resolution
Accepting Permanent
Easement 1100 E 80th
St**

Requested Action: Adopt a resolution accepting the permanent public sidewalk and bikeway easement in the westerly 210 feet, front and rear, of Lot 8, Block 2, BLOOMINGTON INDUSTRIAL PARK.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to adopt a resolution accepting permanent easements at 1100 East 80th Street. (R-2015-80)

**3.4 Police Department
Budget Adjustment**

Requested Action: Approve a budget adjustment in the amount of \$50,000 to cover expenses associated with overtime for foot patrols at the Mall of America. These funds are from a grant in effect from June 1 – August 31, 2015.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to approve the budget adjustment for the Police Department as described in the agenda item.

**3.5 Old Cedar Avenue
Bridge Project Budget
Transfer**

Requested Action: Approve transfers totaling \$1,776,915 from Strategic Priorities Fund (\$776,915) and from the South Loop Development Fund (\$1,000,000) to the Old Cedar Avenue Bridge Fund for the rehabilitation of the Old Cedar Avenue Bridge.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to approve the budget transfers as described above and in the agenda item for the Old Cedar Avenue Bridge project.

**3.6 2014 General Fund
Positive Performance
Transfer to Strategic
Priorities**

Requested Action: Approve a transfer totaling \$525,000 from the General Fund to the Strategic Priorities Fund resulting from 2014 Positive performance in the General Fund.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to approve the transfer from the General Fund to Strategic Priorities as described in the agenda item.

**3.7 2015 Strategic
Priorities Transfer to
the Public Safety
Pension Fund**

Requested Action: Approve a transfer totaling \$1,313,567 from the Strategic Priorities Fund to the Public Safety Pension Fund for the 2015 obligation payment.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to approve the transfer from Strategic Priorities to the Public Safety Pension Fund as described in the agenda item.

**3.8 Hennepin County
Recycling Grant
Contract Amendment**

Requested Action: Adopt a resolution authorizing an amendment to the Residential Recycling Grant Contract with Hennepin County.

This item was held by Oleson who requested more information on the big picture involving Hennepin County and recycling.

Keel explained the SCORE grant is from money collected by the State through a tax on solid waste that is then distributed back to counties. He said Hennepin County is using those funds to promote recycling. He said traditionally Bloomington receives \$250,000 annually in SCORE funding from a tax collected on solid waste and the City has used it to write down the solid waste fee the City charges its residents. It's been almost a direct pass through to Bloomington residents except for the 10 percent that goes for administration. He said the next large opportunity in recycling is organics. He said the discussion at the state and county levels has been on how to promote organics recycling. He said the State has set aside additional funds to be distributed to the counties through the SCORE program. He said Hennepin County is going to distribute those additional funds to cities to encourage organics recycling. He said Bloomington will still receive the \$250,000 plus a proportionate share of the monies available for organics recycling. He said the City received a proposal for a citywide organics recycling program; the price of which was fairly competitive. However, it's not possible for Hennepin County to provide full organics recycling service for Bloomington as originally proposed. There are a number of other sites coming to the forefront that could possibly handle it. He said staff doesn't know if organics recycling will be available to Bloomington residents by the time organized collection is implemented next spring. It will, however, be built into the contract so the Council can decide at some point if it wants to implement a citywide organics recycling program.

Oleson said Minnesota has been working to protect ground water and asked if that is the context of the SCORE program. Keel said that was the purpose of the SCORE program when it started but there have been many regulations since then regarding solid waste disposal including more stringent requirements on landfills. He said the preferred way to get rid of solid waste in Hennepin County is to bring it to the HERC facility.

Winstead said 90 percent of the \$244,000 grant the City receives from Hennepin County is passed onto the residents as a utility bill credit and asked Keel to explain further. Keel said each billing cycle there is a solid waste management fee; the largest portion of which funds the City's Curbside Cleanup Program. He said the cost of that program is more than the fees collected but the City writes down that program by the cost of the \$244,000 collected by the SCORE grant. That results in each household paying \$10 per year.

Motion was made by Oleson, seconded by Lowman, and all voting aye, to adopt a resolution authorizing an amendment to the Residential Recycling Grant Contract with Hennepin County. (R-2015-81)

3.9 Accept Donations

Requested Action: Accept the donation made by the Minnesota Twins Community Fund and the Toro Foundation to Bloomington Parks and Recreation Division.

This item was held by Baloga who reported the City of Bloomington has received supplies and volunteer labor valued at \$20,000 from the Minnesota Twins Community Fund and the Toro Foundation to refurbish three ball fields at the Valley View Playfields. He said it will be a first-class job with the Minnesota Twins ground crew volunteering their labor. A check presentation ceremony will take place at Valley View on Thursday, August 20.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to accept the \$20,000 donation from the Minnesota Twins Community Fund and the Toro Foundation.

3.10 2015-2016 Insurance Renewals

Requested Action: Approve the renewal of the League of Minnesota Cities Insurance Trust (LMCIT) Commercial Package Policy comprised of municipal liability, property, and automobile coverages and authorize the City's non-waiver of the statutory tort liability limits.

This item was held by Baloga to clarify the decrease in the 2015 premium is a 3.27 percent decrease; not a 17 percent decrease as was indicated in the agenda item.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to approve the 2015-2016 insurance renewals with the LMCIT and authorized the City's non-waiver of the statutory tort liability limits.

3.11 Meeting Minutes Approval-City Council

Requested Action: Approve the July 27, 2015, City Council Regular Meeting minutes as presented.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to approve the July 27, 2015, Regular City Council Meeting minutes as presented.

3.12 Approve Drug Enforcement Administration Task Force Agreement

Requested Action: Approve an agreement between the U.S. Department of Justice, Drug Enforcement Administration (DEA) and the City of Bloomington under which one (1) police officer is assigned to the local DEA Drug Task Force. This is the standard agreement utilized by DEA for all task forces nationwide. The term of this Agreement is from September 30, 2015 to September 29, 2016.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to approve the Drug Enforcement Administration (DEA) Task Force Agreement, which shall commence on September 30, 2015, as described in the agenda item.

4 PUBLIC COMMENT PERIOD**4.1 Response to Prior Meeting's Public Comments**

In response to the comments made at the last Council meeting, City Manager Jamie Verbrugge stated Bill Reichert commented on the incomplete public notice for the upcoming Charter Amendment. He reported a new notice will be printed in full text in the Thursday, August 6th edition of Bloomington Sun Current for a public hearing on August 24.

He said Sally Ness again commented on the Joint Use Agreement (JUA) involving the Dar Al Farooq Youth & Family Center (AFYFC) at 8201 Park Avenue. He distributed to Council a copy of the e-mail he sent to Ness earlier this evening regarding her previous requests and the meeting she had with Council members Baloga and Oleson. Regarding her comments made at last week's meeting, he said one had to do with whether or not the City could be held liable if emergency vehicles could not access 8201 Park Avenue in an emergency due to cars double-parking in the AFYFC parking lot. He said the restriction on double parking on a private lot is limited to fire lane access. He said there is no enforcement on a private lot as long as public safety is maintained. He said the City would not be liable if an emergency vehicle couldn't access the building. He said it's up to the private entity and building owner to ensure proper parking conditions.

Regarding two adjacent parking lots (the private one in front of 8201 Park Avenue and the City-owned lot at Smith Park) referred to in the JUA, Verbrugge said they have different parking standards and are enforced differently. He said the JUA allows each of the parties to use the other's property but it doesn't convey to that property the underlying ownership obligations of its own. They are enforced differently and have different parking standards. The JUA just allows each entity to use the other's lot.

He said regarding Ness's claim that allowing an expansion of parking in front of 8201 Park was a violation of the Zoning Codes' prohibition on parking in front of places of assembly. He said the AFYFC building was built prior to the Zoning Code and places of assembly didn't include schools as part of the affected uses. Therefore, that particular provision of the Zoning Code doesn't apply to this property. He said the City required the additional parking and that it be constructed in front of their building. He said it's not subject to the Zoning Code because it was grandfathered in and because schools weren't considered places of assembly in the Zoning Code.

Regarding Ness's issue relating to the City's parking lot being extended into the Xcel easement, he said Xcel allows the use of that parking lot for park and public purposes. He said whether the parking could be extended into the easement was analyzed at the time and it was determined to be a lawful extension of the parking.

He said issues previously brought up by Ness pertain to the PAH's and the Smith Park Pond, construction of parking spaces, and special events permits. He said PAH's are a complicated chemical. Bloomington had some PAH's in some of its water bodies, which was not good but said the City has never used PAH's. He said the contaminated material was encapsulated on site using an approved trench liner per the Minnesota Pollution Control Agency (MPCA) standards. He said that material was safely located in the hills on the south side of Smith Park Pond. He reported the City has a regular water testing program so it knows there are no contamination issues with the pond. He said when additional parking was added to 8201 Park Avenue to accommodate the AFYFC, staff provided a storm drainage area on the south side of the building. At that time, the excavated materials were dumped on the south side of the football field but there were no contaminants. He said there was no reason to suspect contamination in that part of the property, as no issues of contamination had been raised before.

He said in response to Ness's statement regarding an insufficient number of handicapped parking spaces at Smith Park, Verbrugge said the City was going to have AFYFC add two more handicapped spaces but the neighbors objected. After staff's inspection, it was determined two handicapped spaces would be sufficient. He said per the JUA, there cannot be a reduction in parking spaces unless agreed to by both parties. He reported both parties agreed to the striping of two more handicapped spaces.

Verbrugge said Ness didn't want the Special Event permit issued to AFYFC this year in light of their large events, impacts to the neighborhood, and some unpaid and delinquent assessments. He reported the City received satisfaction of AFYFC's current delinquency prior to the Special Event permit being issued. He said there was a prior Code enforcement citation from 2012 that was not paid at the time and was subsequently levied as a special assessment against their property by Hennepin County. It's being handled in the same manner as the City handles all other delinquent assessments. He addressed the Special Event permit that identified approximately 2,000 people could be in attendance. He said the permit was for 2,000 people. He said the event is primarily held outside.

Verbrugge said he was out there on July 17, the morning of Eid, and spoke with both Ness and Vi Rozek while observing the traffic. He reported it was busy but not disorderly. He said there are intermittently intense uses of 8201 Park. He said it's not an ideal location for that type of use but said they do have a right to the use of their property. He mentioned the graffiti and trash in the park. He said a new issue brought to his attention was regarding trash in the park and graffiti on the basketball court. He said there is no indication the activity at 8201 Park Avenue is tied to the graffiti.

Verbrugge reported the graffiti was cleaned up right away by City staff. He said it's hard to suggest there is a connection between the graffiti and AFYFC, as it had some connection to rap music. He reported there have been five incidents of graffiti in Smith Park this year.

4.2 Public Comment

Mayor Winstead opened the Public Comment Period for anyone wishing to address the Council on matters not included on tonight's agenda.

Speaker #1: Sally Ness, 8127 Oakland Avenue South
She again stated the new JUA is not better. She commented use of Smith Park after 10 pm allows more time for graffiti to occur. She commented people parked in the Smith Park parking lot even though there was no lighting. She commented vehicle headlights were shining into the residents' homes after 3 am, vehicles were parked in the fire lane, and there was traffic throughout the night. She said AFYFC didn't ensure sufficient off-street parking or provide traffic control for the overflow parking. She also noted all trash and recycling materials were not stored inside their principal building. She reported there are numerated conditions to which AFYFC has not complied. She asked why AFYFC users are allowed to double-park in their parking lot when the City can't say its parking lots are closed through the night so no parking is allowed. She again stated Smith Park and its parking lot are not two separate entities. She said the Park and the Park parking lot should fall under the City's Park Maintenance Rules to which there should be no deviations. She questioned why AFYFC is allowed to use the parking lot throughout the night. She stated the new JUA is not better than the former agreement. She again stated staff is presenting inaccurate information to the City Council.

Speaker #2: Janelle Gieske, 3509 West 102nd Street
She said she takes her kids to Brookside Park to play but there is no shade on the playground. She requested the City install sunshades to protect children from getting sunburn on the playground.

Winstead said he would have Parks & Recreation staff look into the shade situation at Sunrise Park but said there are no structured sun shades in any City parks. He asked Park staff to look into this and prepare a response for the next Council meeting.

5	LICENSING DIVISION: PUBLIC HEARINGS	None.
6	DEVELOPMENT BUSINESS: PUBLIC HEARINGS	None.
7	TRANSPORTATION & UTILITY IMPROVEMENTS: PUBLIC HEARINGS	None.

8 ORDINANCES: PUBLIC HEARINGS

8.1 City Initiated (PENN AMERICAN) Rezone Multiple Parcels

Requested Action: Adopt an ordinance rezoning six properties in the Penn American District. Prior to reaching an amicable resolution with Kraus-Anderson, the Planning Commission had recommended denial of the rezonings. If approved, Council should make the following motions:

- In Case 10940E-14, approve rezoning the primary district from CR-1 (Regional Commercial) to C-3 (Freeway Commercial Center) for 7901 and 7999 Penn Avenue South and 2115 Southtown Drive;
- In Case 10940F-14, approve rezoning the primary district from CR-1 (Regional Commercial) to C-3 (Freeway Commercial Center) and C-5 (Freeway Mixed Use) for 7803 Penn Avenue South; and
- In Case 10940G-14, approve rezoning the primary district from CR-1 (Regional Commercial) to C-4 (Freeway Office) for 1750 and 1800 American Boulevard West.

Planning Manager Glen Markegard presented this staff report. He made one slide presentation but requested Council act on each of the three rezonings separately. He explained the proposed rezonings were recommended by the Penn American District Plan and reported all of the areas except for north of American Boulevard have previously been approved. Tonight's rezonings apply to the parcels owned by Kraus-Anderson (K-A). Using a colored map, he said the C-4 Zoning (Freeway Office) is proposed to be applied to the Kraus-Anderson owned Lucky 13 parcel and the Mitsubishi parcel. He said C-3 Zone (Freeway Commercial Center) is proposed to apply to the bulk of the Southtown property including the Jiffy Lube and the Wedding Day Jewelers parcel. The C-5 Zoning (Freeway Mixed Use) is proposed to apply to a one square block area near the proposed Bus Rapid Transit (BRT) station at Knox and American Boulevard. He said the C-5 Zone applies to the area south of American Boulevard. He said K-A had concerns regarding the proposed rezoning of the Southtown area but they have since come to an agreement with the City that satisfies the interests of both parties. He proceeded to explain the proposed amendments to the 1995 Development Agreement for the Southtown Shopping Center located at 7803 Penn Avenue. He said the applicability of that Development Agreement is the Southtown property proper and doesn't extend into the eastern K-A parcels. He showed a site plan that identified the different Southtown Center building units. He said the Agreement has two components; some flexibility on minor amendments to the Center and some flexibility on minimum Floor Area Ratios (FARs). Buildings F and G could be removed in their entirety at the option of the property owners. It would allow minor amendments to be reviewed at the property owner's choice of either the previous zoning CR-1 or the proposed zoning in the area. Major amendments would need to meet future zoning but there is some flexibility with the minor amendments. He described what would be considered minor amendments. He explained the reductions in the minimum Floor Area Ratio (FAR) requirements. He said as soon as the Bus Rapid Transit (BRT) station is funded, the FAR reverts back to the minimum of 1.0 FAR, which could be in the year 2017. He said the FAR ratios on the eastern parcels would not be impacted by the Agreement and have a minimum 1.0 FAR. He said staff recommends approval of the rezonings and commented the Planning Commission previously recommended denial of the rezonings but that was before a reconciliation had been reached with K-A.

Winstead commented the Planning Commission has not reviewed these changes that relate to the concerns they had previously expressed.

Baloga said there was a lot of press a year ago that changes to Southtown would put a lot of businesses in the Center out of business. He asked Markegard to assure the public that it isn't going to happen. Markegard said that was never the intent of the rezoning. He explained the rezoning impacts if and when the Center is redeveloped. Staff anticipates Southtown will be here for decades to come.

Baloga said it's been inferred this zoning was City-initiated. He said since the moratorium, City staff has worked with representatives from K-A and both parties came to a mutually agreed upon conclusion. He said this is a mutual agreement and thanked all of the parties involved.

Markegard recognized City Attorney Sandra Johnson, Community Development Director Larry Lee, Senior Planner Julie Farnham and thanked K-A for everyone's diligent efforts in working this to conclusion.

Busse questioned why the temporary reduction in FAR from 1.0 to .4 when it will revert back to 1.0 after the BRT station is funded. Markegard said the area in the corner of Knox and American Boulevard is approximately one square block in size and is proposed to be zoned C-5 because of the proposed BRT station. That district requires higher intensities and would allow a mixture of uses. He said K-A was interested in having the FAR reduced across the entire site but in this area, they agreed to a temporary reduction that would go away if and when the BRT station is funded. He said there is the possibility it could be developed before that in which case the FAR would be lower but there would be building placement and design requirements.

Busse asked if it was envisioned that area could be developed to take advantage of the reduced FAR. Markegard said there is always the possibility it could be developed in that timeframe, which would be allowed by the Agreement. If it were, the FAR would be lower but the building placement requirements would still apply and the building design requirements would also be different. He said a development could match the Council's vision for the District but not the intensity. He said the station developed will be a small bus stop style station near Knox Avenue so the area could be redeveloped without impacting the proposed station area.

Abrams asked if the C-5 zoning is the area that supports Southtown Bowl. Markegard overlaid an aerial of the C-5 zoning onto the site. He said it somewhat overlaps the bowling alley. The thought was to think towards the future and not necessarily to the building positions as they exist today.

Carlson asked for clarification on what constitutes "funding for the BRT station." Markegard said staff interprets that as receiving federal funding, which would be the last main component anticipated to occur in the last quarter of 2017.

Markegard introduced the newest City Planner Nick Johnson who came to Bloomington from the City of Lake Elmo. He's been here one week.

Speaker #1: Bill Reichert, 4732 Nine Mile Creek Parkway
He didn't object to the rezoning but commented on when Knoblauch's property was rezoned. He said rezoning is a big thing and reminded Council while it's great to have a vision, it's not their property and referenced the Ten Commandments.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to adopt an ordinance approving the rezonings for the following six parcels. (O-2015-22)

Case 10940E-14: Approve rezoning the primary district from CR-1 (Regional Commercial) to C-3 (Freeway Commercial Center) for 7901 and 7999 Penn Avenue South and 2115 Southtown Drive.

Case 10940F-14: Approve rezoning the primary district from CR-1 (Regional Commercial) to C-3 (Freeway Commercial Center) and C-5 (Freeway Mixed Use) for 7803 Penn Avenue South.

Case 10940G-14: Approve rezoning the primary district from CR-1 (Regional Commercial) to C-4 (Freeway Office) for 1750 and 1800 American Boulevard West.

8.1.1 Development Agreement Amendments with Kraus Anderson (Penn Rezoning)

Requested Action: Adopt the amendments to the 1995 Development Agreement for Southtown Shopping Center located at 7803 Penn Avenue.

Motion was made by Carlson, seconded by Abrams, and all voting aye, to adopt the amendments to the 1995 Development Agreement for Southtown Shopping Center as presented in the agenda item.

8.1.2 Resolution Directing Summary Publication

Requested Action: Adopt a resolution authorizing summary publication of Ordinance No. O-2015-22, an ordinance amending the Zoning Map by rezoning the six parcels as recommended in the adopted Penn American District Plan.

Motion was made by Abrams, seconded by Baloga, and all voting aye, to adopt a resolution authorizing summary publication of Ordinance No. O-2015-22, an ordinance amending the Zoning Map by rezoning the six parcels as recommended in the adopted Penn American District Plan. (R-2015-82)

9 OTHER: PUBLIC HEARINGS

9.1 Postponed: Public Hearing for Charter Amendment 7.17

Requested Action: No action is requested at this time.

City Attorney Johnson stated the public hearing on this Charter amendment is being postponed to August 24. She explained the initial public hearing notice of the ordinance to amend the Bloomington Charter that was published in the July 23, 2015, Sun Current Newspaper failed to notice the full text of the proposed ordinance amendment. As a result, it will be re-published in the August 6, 2015, Sun Current, which is within one month of the Charter Commission's action and resolution. She said the Council doesn't have to vote on the amendment at the August 24th Council meeting but will need to do so within one month of the August 6th publication date.

No Council action was necessary.

10 ORGANIZATIONAL BUSINESS

10.1 City Council Policy & Issue Update

Oleson commented it was either Sally Ness or Vi Rozek who notified him of the graffiti on a building to the north of Smith Park. He said the graffiti contained some very inappropriate language about Metro police and south Minneapolis. He believes some of the graffiti is coming from outside of the area. He reported he's driven through the area over 40 times to observe and listen to what's going on there.

Lowman inquired as to when Council would be receiving an update on the housing proposal. Verbrugge replied the neighborhood emphasis program will be presented to Council at the August 17th study meeting. He said that proposal is more specific to a neighborhood focused housing initiative rather than a community-wide housing initiative, which will be the next step in the conversation.

Winstead said he had a meeting with the Commissioner of the Minnesota Housing Finance Agency where there was exposure to the types of housing in Bloomington and potential programs they could have. He said there will be a follow-up to see if there are any available funds to be used in the city of Bloomington for some programs or some newly created one. He said it was more of a brain storming session about the needs with regard to affordable housing.

Speaker #2: Bill Reichert, 4732 Nine Mile Creek Parkway
He asked the City Manager if he received clarification on which version of the Charter amendment will be published on August 6.

Winstead replied it's the language in the resolution signed off by the Chair of the Charter Commission.

Reichert said the amendment language posted in the agenda item omitted the underlined portions of the proposed ordinance regarding a 1 percent restriction. He asked if what was being shown on the screen is the official proposal.

Economy-Scholler confirmed what was showing on the screen is what will be published in the Sun Current, as it's what was signed off on by the Charter Commission Chair on July 16.

Reichert asked if this language was voted on by the entire Commission.

Johnson said Bond Counsel John Utley crafted the amendment language after the Charter Commission meeting to reflect what it is they voted on. He wanted to make sure the language was very precise. She explained that is why there was a delay in signing the resolution; to ensure the entire Charter Commission was in agreement that this language accurately reflected their actions. They voted on it in plain English at the meeting and then Utley put it in precise legal terminology.

Baloga, a Charter Commissioner, confirmed this was the language that was sent to each and every member of the Charter Commission. He said the Chair ensured that each and every Charter Commission member responded back to him either with a favorable or unfavorable passage of it. The language of the proposal, which is currently showing on the screen, met their expectations and understanding from the meeting. He said the vote did not change.

Reichert asked how that vote was held.

Johnson explained approval of this language was not necessarily done at the Charter Commission meeting and didn't have to. She said putting it in resolution form and having it in writing before a Charter Commission is an extraordinary step that is not required by law. Bloomington does it to make sure there is no disagreement. She said if a member of the public takes issue with this, they might have recourse in the court system.

**CLOSED PUBLIC
COMMENT PERIOD**

Mayor Winstead asked if anyone else wished to address the Council on matters not on tonight's agenda. No one else came forward to speak so the public comment period was closed.

11 ADJOURN

Mayor Winstead adjourned the meeting at 8:14 p.m.

Barbara Clawson
Council Secretary